

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Home

General Division

Notification

1/36/98-HD(G)

In exercise of the powers conferred by sub-section (2) of section 46 of the Police Act, 1861 (Central Act 5 of 1861) read with section 7 of the said Act, the Government of Goa hereby makes the following rules to further amend the Goa Police Subordinate Service (Discipline and Appeal) Rules, 1975 as follows, namely:

1. *Short title and commencement.*—These rules may be called the Goa Police Subordinate Service (Discipline and Appeal) (Amendment) Rules, 1999.

(2) It shall come into force at once.

2. *Amendment of Schedule.*—In the Schedule appended to the Goa Police Subordinate Service (Discipline and Appeal) Rules, 1975,—

(i) In entries relating to Sr. No. 1,—

- (a) the expression “Dy. Inspector General of Police”, wherever it occurs, shall be deleted;
- (b) in column 4, the expression “Superintendent of Police” shall be deleted;
- (c) in column 5, for the existing entries, the word “All” shall be inserted;
- (d) in column 6, the expression “Inspector General of Police” shall be deleted.

(ii) In entries relating to Sr. No. 2,—

- (a) the expression “Dy. Inspector General of Police”, wherever it occurs shall be deleted;

(b) in column 4, the expression “Superintendent of Police” shall be deleted;

(c) in column 5, for the existing entries, the word “All” shall be substituted;

(d) in column 6, the expression “Inspector General of Police” shall be deleted;

(iii) In entries relating to Sr. Nos. 3 and 4,—

(a) for the expression of “Superintendent of Police”, in column Nos. 3 and 4, the expression “Dy. Inspector General of Police” shall be substituted;

(b) in column 6, the expression “Dy. Inspector General of Police” shall be deleted.

(iv) In entries relating to Sr. Nos. 5, 6, 7 and 8 in column 6,—

(a) the expression “Inspector General of Police” wherever it occurs shall be deleted;

(b) for the expression “Chief Secretary”, wherever it occurs, the expression “Inspector General of Police” shall be substituted.

By order and in the name of the Governor of Goa.

A. Mascarenhas, Under Secretary (Home).

Panaji, 18th August, 1999.

Department of Labour

Notification

VI/FAC-6/Part/L-1/99-IFB/2189

Whereas certain draft rules which the Government of Goa proposes to make in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948) (hereinafter

called the "said Act"), were pre-published as required by section 115 of the said Act at pages 655 and 656 of the Official Gazette, Series I, No. 47, dated 18-2-99, under Notification No. VI/FAC-6/Part/L-1/99-IFB/349 dated 8-2-1999, of the Department of Labour, Government of Goa, inviting objections and suggestions from the persons likely to be affected thereby within three months from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 18-2-1999;

And Whereas objections and suggestions received from the public on the said draft, were considered by the Government.

Now, Therefore, in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Factories Rules, 1985, as follows:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Factories (Eighth Amendment) Rules, 1999.

(2) They shall come into force at once.

2. *Amendment of rule 19.*— In rule 19 of the Goa, Daman and Diu Factories Rules, 1985 (hereinafter called the 'principal Rules'),—

(i) in sub-rule (4),—

(a) in clause (a), for the words "rupee one", the words "rupees ten" shall be substituted;

(b) In clause (b), for the words "fifty paise", the words 'five rupees' shall be substituted;

(ii) in sub-rule (5), after clause (c), the following shall be inserted, namely:—

"(d) the Chief Inspector of Factories has reasons to believe that the workers shall be subjected to pre-employment medical check up at the time of joining the organisation and periodical medical examination every five years upto the age of 45 years and thereafter every three years."

3. *Amendment of rule 42.*— In rule 42 of the principal Rules,—

(i) for clause (b), the following shall be substituted, namely:—

"(b) from any other source approved in writing by the Medical Inspector of Factories.";

(ii) after clause (b), the following paragraph shall be inserted, namely:—

"The water so supplied shall be kept in suitable vessels, receptacles or tanks fitted with taps, having dust proof covers, and placed on raised stands or platforms in shade and having suitable arrangement of drainage to carry away the waste water. Such vessels, receptacles or tanks shall be

kept clean and the water replaced at least once every day. Also, all practicable measures shall be taken to ensure that the water is free from contamination".

4. *Omission of rule 43.*— Rule 43 of the principal Rules shall be omitted.

5. *Amendment of rule 90-N.*— In rule 90-N of the principal Rules, after sub-rule (6), the following sub-rule shall be inserted, namely:—

"(7) All the factories shall maintain and keep the health record of every worker upto a minimum period of 40 years from the beginning of the employment or 15 years after retirement or cessation of employment, whichever is later".

6. *Amendment of rule 90-O.*— In rule 90-O of the principal Rules,—

(i) for sub-rule (2), the following shall be substituted, namely:—

"(2) The Factory Medical Officer required to be appointed under sub-rule (1), shall have qualifications included in Schedules to the Medical Degrees Act, 1916 (Act 7 of 1916) or in the Schedules to the Medical Council Act, 1956 (Act 102 of 1956), and possesses Diploma in Occupational and Industrial Health offered by any recognised University. Within one month of the appointment of Factory Medical Officer, the occupier of the factory shall furnish to the Chief Inspector the following particulars:—

(a) Name and address of the Factory Medical Officer;

(b) Qualifications;

(c) Experience, if any, and;

(d) the sub-rule i.e. (1)(a) or (1)(b) or (1)(c) under which he is appointed;

(ii) sub-rules (3) and (4) shall be omitted.

7. *Amendment of rule 131.*— In rule 131 of the principal Rules, in sub-rule (5), for the words "till the expiry of one year after the worker ceases to be in employment of the factory", the words "for a minimum period of forty years from the beginning of the employment or fifteen years after retirement or cessation of employment, whichever is later" shall be substituted.

8. *Amendment of rule 132.*— In rule 132 of the principal Rules, in sub-rule (4), for the words and figures "Form 33" and "Form 32", wherever they occur, the words and figures "Form 30" shall be substituted.

By order and in the name of the Governor of Goa.

C. V. Dhume, Chief Inspector of Factories and Boilers and Ex-Officio Joint Secretary to the Government of Goa.

Panaji, 19th August, 1999.

Department of Law & Judiciary

Legal Affairs Division

Notification

10-4-99/LA-XXX

The Appropriation (Railways) No. 3 Act, 1999 (Central Act No. 25 of 1999), which has been passed by the Parliament and assented to by the President of India on 11th May, 1999 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 11th May, 1999 is hereby published for general information of the public.

P. V. Kadnekar, Jt. Secretary (Law).

Panaji, 12th August, 1999.

THE APPROPRIATION (RAILWAYS) No. 3 ACT, 1999

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000 for the purposes of Railways.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 3 Act, 1999.

2. *Issue of Rs. 54618,22,79,000 out of the Consolidated Fund of India for the financial year 1999-2000.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 1999] to the sum of fifty four thousand six hundred and eighteen crores, twenty-two lakhs and seventy-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1999-2000, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund of India	Total
1	2	3		
		Rs.	Rs.	Rs.
1	Railway Board	39,45,00,000	..	39,45,00,000
2	Miscellaneous Expenditure (General).. ..	196,55,00,000	..	196,55,00,000
3	General Superintendence and Services on Railways.. ..	1426,84,50,000	1,50,000	1426,86,00,000
4	Repairs and Maintenance of Permanent Way and Works ..	2885,79,09,000	5,90,000	2885,84,99,000
5	Repairs and Maintenance of Motive Power	1580,19,51,000	1,00,000	1580,20,51,000
6	Repairs and Maintenance of Carriages and Wagons.. ..	2910,93,08,000	1,25,000	2910,94,33,000
7	Repairs and Maintenance of Plant and Equipment	1506,98,94,000	..	1506,98,94,000
8	Operating Expenses—Rolling Stock and Equipment ..	2564,31,07,000	7,00,000	2564,38,07,000
9	Operating Expenses—Traffic	5551,01,38,000	3,00,000	5551,04,38,000
10	Operating Expenses—Fuel	5148,12,11,000	2,00,000	5148,14,11,000

1	2	3	
	Rs.	Rs.	Rs.
11 Staff Welfare and Amenities	1131,23,39,000	3,20,000	1131,26,59,000
12 Miscellaneous Working Expenses	1427,15,94,000	17,12,89,000	1444,28,83,000
13 Provident Fund, Pension and Other Retirement Benefits ..	3313,96,91,000	77,19,000	3314,74,10,000
14 Appropriation to Funds	6096,65,00,000	..	6096,65,00,000
15 Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortization of Over-Capitalisation	1914,08,00,000	..	1914,08,00,000
16 Assets—Acquisition, Construction and Replacement			
Revenue	45,00,00,000	..	45,00,00,000
Other Expenditure			
Capital	11926,45,94,000	3,33,00,000	11929,78,94,000
Railway Funds	4928,33,00,000	3,67,00,000	4932,00,00,000
Total	54593,07,86,000	25,14,93,000	54618,22,79,000

Notification

10-4-99/LA-XXVIII

The Patents (Amendment) Act, 1999 (Central Act 17 of 1999), which has been passed by the Parliament and assented to by the President of India on 26th March, 1999 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 26th March, 1999 is hereby published for the general information of the Public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 27th August, 1999.

THE PATENTS (AMENDMENT) ACT, 1999

AN

ACT

further to amend the Patents Act, 1970.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Patents (Amendment) Act, 1999.

(2) It shall be deemed to have come into force on the 1st day of January, 1995.

2. *Amendment of section 5.*— Section 5 of the Patents Act, 1970 (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), a claim for patent of an invention for a substance itself intended for use, or capable of being used, as medicine or drug, except the medicine or drug specified under sub-clause (v) of clause (1) of sub-section (1) of section 2, may be made and shall be dealt, without prejudice to the other provisions of this Act, in the manner provided in Chapter IVA.”.

3. *Insertion of new Chapter IVA.*— After Chapter IV of the principal Act, the following Chapter shall be inserted namely:—

CHAPTER IVA

Exclusive Marketing Rights

24A. *Application for grant of exclusive rights.*— (1) Notwithstanding anything contained in sub-section (1) of, section 12, the Controller shall not, under that sub-section, refer an application in respect of a claim for a patent covered under sub-section (2) of section 5 to an examiner for making a report till the 31st day of December, 2004 and shall, where an application for grant of exclusive right to sell or distribute the article or substance in India has been made in the prescribed form and manner and on payment of prescribed fee, refer the application for patent, to an examiner for making a report to him as to whether the invention is not an invention within

the meaning of this Act in terms of section 3 or the invention is an invention for which no patent can be granted in terms of section 4.

(2) Where the Controller, on receipt of a report under sub-section (1) and after such other investigation as he may deem necessary, is satisfied that the invention is not an invention within the meaning of this Act in terms of section 3 or the invention is an invention for which no patent can be granted in terms of section 4, he shall reject the application for exclusive right to sell or distribute the article or substance.

(3) In a case where an application for exclusive right to sell or distribute an article or a substance is not rejected by the Controller on receipt of a report under sub-section (1) and after such other investigation, if any, made by him, he may proceed to grant exclusive right to sell or distribute the article or substance in the manner provided in section 24B.

Explanation.— It is hereby clarified that for the purposes of this section, the exclusive right to sell or distribute any article or substance under this section shall not include an article or substance based on the system of Indian medicine as defined in clause (e) of sub-section (1) of section 2 of the Indian Medicine Central Council Act, 1970 48 of 1970, and where such article or substance is already in the public domain.

24B. *Grant of exclusive rights.*— (1) Where a claim for patent covered under sub-section (2) of section 5 has been made and the applicant has,—

(a) where an invention has been made whether in India or in a country other than India and before filing such a claim, filed an application for the same invention claiming identical article or substance in a convention country on or after the 1st day of January, 1995 and the patent and the approval to sell or distribute the article or substance on the basis of appropriate tests conducted on or after the 1st day of January, 1995, in that country has been granted on or after the date of making a claim for patent covered under sub-section (2) of section 5; or

(b) where an invention has been made in India and before filing such a claim, made a claim for patent on or after the 1st day of January, 1995 for method or process of manufacture for that invention relating to identical article or substance and has been granted in India the patent therefor on or after the date of making a claim for patent covered under sub-section (2) of section 5,

and has received the approval to sell or distribute the article or substance from the authority specified in this behalf by the Central Government, then, he shall have the exclusive right by himself, his agents or licensees to sell or distribute in India the article or the substance on and from the date of approval granted by the Controller in this behalf till a period of five years or till the date of grant of patent or the date of rejection of application for the grant of patent, whichever is earlier.

(2) Where, the specifications of an invention relatable to an article or a substance covered under sub-section (2) of section 5 have been recorded in a document or the invention

has been tried or used, or, the article or the substance has been sold, by a person, before a claim for a patent of that invention is made in India or in a convention country, then, the sale or distribution of the article or substance by such person, after the claim referred to above is made, shall not be deemed to be an infringement of exclusive right to sell or distribute under sub-section (1):

Provided that nothing in this sub-section shall apply in a case where a person makes or uses an article or a substance with a view to sell or distribute the same, the details of invention relatable thereto were given by a person who was holding an exclusive right to sell or distribute the article or substance.

24C. *Compulsory licences.*— The provisions in relation to compulsory licences in Chapter XVI shall, subject to the necessary modifications, apply in relation to an exclusive right to sell or distribute under section 24B as they apply to, and in relation to, a right under a patent to sell or distribute and for that purpose the following modifications shall be deemed to have been made to the provisions of that Chapter and all their grammatical variations and cognate expressions shall be construed accordingly, namely:—

(a) throughout Chapter XVI,—

(i) working of the invention shall be deemed to be selling or distributing of the article or substance;

(ii) references to “patents” shall be deemed to be references to “right to sell or distribute”;

(iii) references to “patented article” shall be deemed to be references to “an article for which exclusive right to sell or distribute has been granted”;

(b) three years from the date of sealing of a patent in section 84 shall be deemed to be two years from the date of approval by the Controller for exclusive right to sell or distribute under section 24B;

(c) the time which has elapsed since the sealing of a patent under section 85 shall be deemed to be the time which has elapsed since the approval by the Controller for exclusive right to sell or distribute under section 24B;

(d) clauses (d) and (e) of section 90 shall be omitted.

24D. *Special provision for selling or distribution.*— (1) Without prejudice to the provisions of any other law for the time being in force, where, at any time after an exclusive right to sell or distribute any article or substance has been granted under sub-section (1) of section 24B, the Central Government is satisfied that it is necessary or expedient in public interest to sell or distribute the article or substance by a person other than a person to whom exclusive right has been granted under sub-section (1) of section 24B, it may, by itself or through any person authorised in writing by it in this behalf, sell or distribute the article or substance.

(2) The Central Government may, by notification in the Official Gazette and at any time after an exclusive right to sell or distribute an article or a substance has been granted, direct, in the public interest and for reasons to be stated, that the said article or substance shall be sold at a price determined by an authority specified by it in this behalf.

24E. *Suits relating to infringements.*— All suits relating to infringement of a right under section 24B shall be dealt with in the same manner as if they were suits concerning infringement of patents under Chapter XVIII.

24F. *Central Government and its officers not to be liable.*— The examination and investigations required under this Chapter shall not be deemed in any way to warrant the validity of any grant of exclusive right to sell or distribute, and no liability shall be incurred by the Central Government or any officer thereof by reason of, or in connection with, any such examination or investigation or any report or other proceedings consequent thereon.

4. *Omission of section 39.*— Section 39 of the principal Act shall be omitted.

5. *Amendment of section 40.*— In section 40 of the principal Act, the words and figures “or makes or causes to be made an application for the grant of a patent outside India in contravention of section 39” shall be omitted.

6. *Amendment of section 64.*— In section 64 of the principal Act, in sub-section (1), in clause (n), the words and figures “or made or caused to be made an application for the grant of a patent outside India in contravention of section 39” shall be omitted.

7. *Amendment of section 118.*— In section 118 of the principal Act, the words and figures “or makes or causes to be made an application for the grant of a patent in contravention of section 39” shall be omitted.

8. *Insertion of new section 157A.*— After section 157 of the principal Act, the following section shall be inserted, namely:—

157A. *Protection of security of India.*— Notwithstanding anything contained in this Act, the Central Government shall—

(a) not disclosed any information relating to any patentable invention or any application relating to the grant of a patent under this Act, which it considers prejudicial to the interest of security of India;

(b) take action including the revocation of any patent which it considers necessary in the interest of security of India:

Provided that the Central Government shall, before taking any action under this clause, issue a notification in the Official Gazette declaring its intention to take such action.

Explanation.— For the purposes of this section, the expression “security of India” means any action necessary for the security of India which—

(i) relates to fissionable materials or the materials from which they are derived; or

(ii) relates to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; or

(iii) is taken in time of war or other emergency in matter of international relations.

9. *Repeal and savings.*— (1) The Patents (Amendment) Ordinance 1999, is hereby repealed. Ord. 3 of 1999.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Patents (Amendment) Ordinance, 1994, which ceased to operate, or under the Patents (Amendment) Ordinance, 1999, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act. Ord. 13 of 1994. Ord. 3 of 1999.

(3) All applications made in respect of claims for patent of invention specified under sub-section (2) of section 5 of the principal Act, from the date of cesser of the Patents (Amendment) Ordinance, 1994 till the date on which this Act receives the assent of the President (both days inclusive) shall be deemed to have been validly made as if the provisions of the principal Act, as amended by this Act, had been in force at all material times. Ord. 13 of 1994.